

¹ The docket reflects that this Court's May 18, 2007 Order was returned to the Court on June 1, 2007 with a note that Plaintiff was "not at institution." The clerk searched the Bureau of Prisons website and learned that Plaintiff was "in transit." On June 19, 2007, the Clerk resent the Court's Order to Plaintiff at his new location. Such Order was not returned to the Court again as undeliverable.

asks this Court to reopen his appeal period. Plaintiff states that he was transferred to Federal Correctional Complex in Terre Haute, Indiana in September 2006 and On October 2, 2006 he was assaulted in prison and was admitted to the hospital for four days.²

The Fourth Circuit has already ruled that Plaintiff's Appeal was untimely. This Court declines to reopen Plaintiff's time to file an appeal. Therefore Plaintiff's motion to reopen the time to file an appeal is denied.

SO ORDERED.

Signed: August 11, 2008

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge



² Plaintiff states that he was admitted to the hospital and treated for four days following an assault on October 2, 2006. However, the Court notes that its Order dismissing Plaintiff's case was not entered until May 18, 2007, seven months after Plaintiff's assault.